

# Order

Michigan Supreme Court  
Lansing, Michigan

May 7, 2010

Marilyn Kelly,  
Chief Justice

139769

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

DAN-KAI TUS and NU CHEN YEN TUS,  
Plaintiffs/Counter-Defendants/  
Appellants,

v

SC: 139769  
COA: 281007  
Washtenaw CC: 06-000910-CH

SHIRLEY HURT f/k/a SHIRLEY ROBBINS,  
Defendant-Cross Defendant,

and

STERLING MORTGAGE & INVESTMENT  
COMPANY,  
Defendant/Counter-Plaintiff/Cross  
Plaintiff/Appellee,

and

AMERICAN TITLE COMPANY OF  
WASHTENAW and REPUBLIC BANC  
MORTGAGE COMPANY,  
Third-Party Defendants.

---

On order of the Court, the application for leave to appeal the June 25, 2009 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed the effect, if any, on this case of *Brydges v Emmendorfer*, 311 Mich 274, 279 (1945) (holding that “[t]he statute of limitations does not control the question of laches in equitable actions”) and *Stokes v Millen Roofing Co*, 466 Mich 660, 671-672 (2002) (concluding that courts should not avoid the application of a statute under the guise of equity because a statutory penalty is excessively punitive or harsh).

The State Bar of Michigan Real Property Law Section, the Michigan Association of Mortgage Professionals, the Michigan Mortgage Lenders Association, the Michigan

Association of Realtors, the Michigan Association of Community Bankers, the Michigan Bankers Association, the American Civil Liberties Union of Michigan, the State Bar of Michigan Consumer Law Section, the University of Michigan Law School General Clinic, and the Michigan Association for Justice are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0504

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 7, 2010

*Corbin R. Davis*

Clerk